

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

United States of America,

Plaintiff,

-v-

Case No. CR-2-02-40 (001)

Judge Smith

Jason M. Frank,

Defendant.

OPINION AND ORDER

This matter is before the Court on Defendant Jason Frank's pro-se Motion to Reconsider the special conditions of his supervised release (Doc. 64). For the reasons that follow, the Court denies Defendant's Motion.

On June 12, 2002, Defendant Jason Frank pled guilty to two counts of distribution of cocaine base in violation of 21 U.S.C. §841(a)(1) and (b)(1)(A)(iii) and 18 U.S.C. §2. On October 23, 2002, Defendant was sentenced to 157 months imprisonment on Counts 1 and 2 to run concurrently and five years supervised release. On January 12, 2004, the Court granted the Government's Rule 35 Motion to Reduce Defendant's Sentence and reduced Defendant's sentence to 120 months.

Defendant now requests that this Court remove the special condition of his supervised release that required him to surrender his operator's license and that he shall not operate a motor vehicle while on supervised release. Defendant asserts that when he completes his sentence, he would like to obtain his C.D.L. license and begin driving trucks, but that would be impossible under his current conditions of supervised release.

The Court is sympathetic to Defendant's request, but feels that such request is premature considering Defendant will be incarcerated until sometime in 2011. Defendant may, however, file such request again with the Court closer to his release date. It is further recommended that Defendant provide documentation of completion of the C.D.L class, his plan to obtain his license, and documentation that he would be given a job contingent upon him obtaining his license.

For the reasons stated above, the Court **DENIES** Defendant's Motion to Reconsider the special conditions of his supervised release.

The Clerk shall remove Document 64 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
United States District Court